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LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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[www.lacountyiswmtf.org](http://www.lacountyiswmtf.org)

August 3, 2017

Mr. Scott Smithline, Director  
California Department of Resources Recycling and Recovery (CalRecycle)  
P.O. Box 4025  
Sacramento, CA 95812-4025

Dear Mr. Smithline:

**DRAFT SCREENING CRITERIA FOR DETERMINING PRIORITY PACKAGING TYPES – REVISED JULY 26, 2017**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates this opportunity to comment on the subject Draft Screening Criteria for Determining Priority Packaging Types, for discussion at the CalRecycle Packaging Reform Workshop scheduled September 19, 2017, see the following link:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2143&aiid=1954>

The Task Force has been a long-time supporter of balanced approaches for the management of solid waste if the result includes diversion of valuable resources from landfills, decreased costs for local governments to manage the waste, accountability for the material in the State, and protecting our environment to improve the quality of life for the State's residents.

As indicated in our enclosed letter of January 21, 2015, the Task Force identifies Extended Producer Responsibility (EPR) as the best option for a comprehensive, mandatory approach to manage packaging products. A sound EPR policy would include the establishment of a take-back program funded and managed by the producers of the packaging, specific recovery goals, and convenience standards for the collection of the packaging. However, as indicated previously, it would be impractical to expect that EPR alone can capture every type of packaging material and combination of materials used in commerce today. The Task Force identifies the use of conversion technologies to divert post-recycled municipal solid waste, which includes unrecoverable packaging, from landfill disposal. Again, we respectfully request that

staff consider these recommendations in the process of developing the packaging reform.

With these principles in mind, the Task Force is generally supportive of the proposed screening criteria and would offer the following comments for consideration:

### **Criteria Consideration**

It is difficult to determine whether additional criteria are needed without fully describing the proposed criteria. There may be some criteria that should not be considered such as current processing infrastructure. Current processing infrastructure is vastly different between rural and urban areas, and small and large processing companies. Thus, it would be difficult to assess whether the current infrastructure could feasibly process the packaging. Additionally, these criteria may overlap with the recyclability criteria.

### **Criteria Prioritization**

The first priority criteria to consider should be Prevalence in the Waste Stream. The contribution to the waste stream and ultimately, what is being disposed of landfills is the biggest priority for the Task Force and many jurisdictions throughout the State to achieve State and local waste diversion goals.

The second highest weighted criteria should be Reusability and Recyclability. This criteria should account for whether the packaging product is actually recycled or not; therefore, that would account for available infrastructure, contamination, and what is left as marine debris or litter. This criteria must also differentiate not only between packaging product design but also material type. Producers continue to use more mixed material packaging which disrupts the recycling system and makes products costly and complicated to recycle. While some packaging materials such as aluminum and cardboard have high value, others such as polystyrene have no value and require additional labor to separate and dispose

The third criteria to evaluate different packaging products should prioritize Greenhouse Gas Impacts. This criteria is of utmost importance to meet the underlying goal of waste diversion, which is to reduce the generation of greenhouse gases and the impact on climate change. Oftentimes, it can be beneficial to the environment to use a simple, low-impact packaging that cannot be recycled compared to an intensive, resource-heavy material that can be recycled. Thus, the greenhouse gas impacts must be associated with the entire lifecycle of the packaging product, including net energy and water usage in the manufacturing of the packaging as well as transportation emissions of shipping the recycled product overseas.

### **Point of Generation**

The Taskforce believe that it is not necessary to differentiate the point of generation for the discarded packaging. The main objective is to reduce lifecycle emissions of packaging waste (SB 32, 2016), and reduce the amount of packaging waste generated and disposed in landfills. It is not clear how determining the point of generation is critical to meeting that objective (AB 341, 2011).

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

We appreciate your consideration of our comments and look forward to continue working closely with your staff during development of the packaging reform/mandatory state policy program.

If you have any questions, please contact Mr. Mike Mohajer, a Member of the Task Force, at [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com) or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

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cc: CalEPA (Matt Rodriguez)

Mr. Scott Smithline, Director

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CalRecycle (Ken DeRosa, Howard Levenson, Cynthia Dunn)

California State Association of Counties

League of California Cities

Each Member of the Los Angeles Board of Supervisors

Los Angeles County Chief Executive Officer

League of California Cities, Los Angeles County Division

Each City Mayor and City Manager in LA County

San Gabriel Valley Council of Governments

South Bay Cities Council of Governments

Gateway Cities Council of Governments

Each Recycling Coordinator in Los Angeles County

Each Member of Los Angeles County Integrated Waste Management Task Force



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GAIL FARBER, CHAIR  
MARGARET CLARK, VICE-CHAIR

January 21, 2015

Ms. Cynthia Dunn  
California Department of Resources Recycling and Recovery  
1001 I Street  
Sacramento, CA 95812

Dear Ms. Dunn:

**COMMENTS: CALRECYCLE PACKAGING WORKSHOP AND BACKGROUND PAPER: INCREASING COLLECTION AND RECOVERY OF PACKAGING IN CALIFORNIA**

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates this opportunity to comment on the Packaging Workshop Background Paper: Increasing Collection and Recovery of Packaging in California (Background Paper), dated November 13, 2014. The Task Force supports the State's 75 percent goal established pursuant to AB 341 (Chesbro, 2011) as well as the greenhouse gas emission (GHG) reduction targets established pursuant to AB 32 (Nunez, 2006). These landmark pieces of legislation are intertwined and according to CalRecycle are the main drivers for the packaging initiative as packaging makes up a significant portion of the State's waste stream.

The Background Paper discusses several policy approaches to significantly reduce the amount of packaging that is landfilled. The Task Force has been a long-time supporter of balanced approaches for the management of solid waste as long as the result is a reduction of landfilling of valuable resources, local governments are not left absorbing increased waste management costs, the material is accountable and not shipped overseas, and the State's residents quality of life and treasured environment are protected. A combination of policy approaches could potentially fulfill these requisites if they are well-thought out and consideration of unintended consequences is included prior to developing and enacting the policy. With these principles in mind, the Task Force offers the following comments on the Background Paper:

**1. Extended Producer Responsibility (EPR)**

As discussed in the Background Paper, mandatory approaches, such as EPR, help assure a level playing field for producers of covered products and/or packaging types. When end-use is not taken into consideration, the potential for recovery of the material can be limited. When sound EPR policies are implemented,

manufacturers take into account end-use management when designing their products and packaging.

Among the mandatory approaches discussed, the Task Force is most supportive of sound EPR policy and legislation but must underscore the importance of involving affected stakeholders throughout the process. A sound EPR policy/legislative effort would include the establishment of recovery goals, convenience standards for consumer take-back, as well as key metrics to ascertain efficacy of the policy. Moreover, EPR policy should include appropriate oversight from CalRecycle or another appropriate agency with the ability to review and approve EPR plans developed by producers of covered products. Since an open and transparent stakeholder process can be limited during an EPR legislative effort, EPR legislation should contain the essential elements discussed above and require a post legislative regulatory process in order to provide an adequate timeframe for an open and transparent stakeholder process.

## **2. Advanced Recovery From Materials That Cannot Be Recycled**

While the Task Force fully supports EPR as a viable approach to reducing the landfilling of packaging material, it would be impractical to believe the approach can capture every type of packaging material and combination of materials used in commerce today. The Task Force has long promoted the use of conversion technologies to divert post-recycled municipal solid waste, which includes packaging, from landfill disposal. Conversion technologies are non-combustion processes capable of converting unrecyclable packaging and other organic materials into energy, biofuels, chemicals and other marketable products in an environmentally friendly manner. Unfortunately, conversion technologies have been stifled by antiquated and unscientific legislative and regulatory barriers which are solely being pursued in California while being in contrast with the goals established by AB 32 (2006).

Although the Background Paper mentions energy recovery as a key take-away from the December 2013 packaging workshop hosted by CalRecycle, the Background Paper failed to consider energy recovery as a viable option for reducing the landfilling of packaging. Attendees at the November 2014 Workshop, including Mike Mohajer representing the Task Force, asked CalRecycle staff how energy recovering technologies can assist in this effort to help keep packaging materials out of landfills. Unfortunately, their inquiries were brushed aside as CalRecycle staff stated that energy recovery technologies were a separate issue to be addressed in a separate effort. Meanwhile, millions of tons of packaging material are landfilled taking up valuable space, releasing potent GHGs, and wasting valuable raw materials.

AB 341 made it a State goal to significantly reduce the landfilling of the solid waste. However, AB 341 established a limited scope that provides only two pathways for managing materials once generated: recycling and composting. As discussed in the Background Paper, many types of materials, including contaminated paper/cardboard, higher number plastics and other types of packaging material simply cannot be recycled or composted for a variety of reasons. Other than shipping these materials overseas or to other States, the utilization of conversion technologies is presently the only viable option to keep these unrecyclable non-compostable materials out of landfills at the rate CalRecycle is seeking. 2020 is only five years away; all viable environmentally sound solutions should be on the table at this point. The Task Force strongly recommends that CalRecycle support legislative proposals which would allow conversion technologies to utilize unrecyclable non-compostable materials as a viable feedstock on a level playing field with other technologies, based on their demonstrated environmental benefits.

### **3. Avoid Landfill Bans On Recyclables**

The Task Force is concerned with the proposed policy approach which would ban the landfilling of recyclables. This approach is impractical for a variety of reasons, particularly in regards to how this type of approach would actually be enforced. Moreover, the Task Force is all-too-familiar with how landfill bans work in California: a product or list of products are identified by a State regulatory agency and local governments are left figuring out how to implement the ban while incurring costs associated with carrying out related programs. The ban on landfilling universal waste is a prime example of this phenomenon colloquially known as the “ban without a plan.” Over the past decade local governments have had to absorb costs associated with the prevention of landfilling products identified as universal waste such as batteries, cell phones, and fluorescent lamps. The Task Force strongly recommends avoidance of this approach as it is impractical to identify and separate covered items from the waste stream as well as costly to local governments.

### **4. Energy And Water Usage Associated With Proposed Approaches**

The Task Force recommends strong consideration for each proposal’s potential for unintended consequences related to increased usage of energy and water. As indicated in the Background Paper, adding new materials in the existing recovery stream sometimes presents a predicament when increased energy usage is required. Increased usage effectively negates energy savings recycling is supposed to provide as well as GHG reductions. Mandatory approaches such as landfill bans and minimum recycled content requirements could result in inefficiencies related to energy and transportation intensive processes in order to collect, transport, and ultimately transform the material into a marketable manufacturing material.

The Background Paper discussed water quality impacts as a driver for the packaging initiative in addition to AB 32 and AB 341. However, a discussion of the

amount of water needed for processing and recycling packaging is noticeably absent. Water is necessary to thoroughly clean the materials in order avoid contamination. While the State is in the midst of an historic drought, water usage necessary for each approach needs to be considered.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

We appreciate your consideration of our comments and look forward to developing a sensible and effective approach or combination of approaches which results in keeping packaging out of landfills.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com) or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Mayor Pro Tem, City of Rosemead

cc:

CalEPA (Matt Rodriguez)  
CalRecycle (Caroll Mortensen, Howard Levenson)  
California Air Resources Board (Mary Nichols)  
California State Association of Counties  
League of California Cities  
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